IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CONTEMPT PETITION NO.335 OF 1997
IN
SECOND APPEAL NO.467 OF 1994

Smt. Gangubai Vitthal Nalawade,
since deceased, through her
legal heirs:
1. Sanjay H. Patil & Anr. .... Petitioners
Vs.
Pandurang V. Darvatkar,
since deceased, through his
legal heirs:
Rajaram Pandurang Darvatkar
& Ors. .... Respondents

Shri S.G. Surana for the Petitioners.

Shri V.G. Mujumdar for the Respondents

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: NOVEMBER 30, 2004

P.C:

1. Heard the learned Advocate for the petitioners.

2. The grievance of the petitioners is that inspite of the order directing to maintain status quo as on 11-8-1994, the respondents tried to interfere in the possession of the property with the petitioners. Undoubtedly, by order dated 11-8-1994 the parties were directed to maintain status quo. However, by order dated 8-12-1995, when the petitioners sought clarification of the direction to maintain status quo,

it was merely observed that:

> "If the applicant-original respondent is in possession of the property in question, obviously the status quo order passed by this Court cannot be said to be operating against the applicant-respondent and, therefore, no further order on Civil Application No.5559 of 1995 needs be passed."

Apparently it was not clarified that the possession of the petitioners is confirmed and therefore it was held that the order of status quo does not operate against the respondents. Obviously there was no direction to the respondents not to interfere in the alleged possession of the petitioners. In such circumstances, there can be no case for proceeding against the respondents for contempt of Court. Hence the petition is rejected.